

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:05CR40-C

UNITED STATES OF AMERICA)	
)	
v.)	<u>O R D E R</u>
)	
DARRELL RECARDO LEWIS,)	
)	
Defendant.)	

THIS MATTER is before the Court upon counsel for the Defendant's "Ex Parte Motion To Appoint A Weapons Expert" filed July 26, 2005. Additionally, the Defendant is asking the Court to direct the Government to turn over the weapon seized in this matter to the weapons expert for testing. After careful review of the Motion, the Court finds:

1. That the services requested are necessary to an adequate defense; and
2. That Defendant is indigent and is financially unable to obtain the services of a weapons expert.

IT IS, THEREFORE, ORDERED:

1. That counsel's motion for authorization to obtain the services of a weapons expert is **GRANTED**;
2. Dan Starks of Starks Training Institute, Inc., 7868-F Rea Road, #336, Charlotte, NC 28277, telephone number 704-491-5004, is appointed to serve as a weapons expert witness on behalf

of the Defendant and to otherwise assist counsel in the preparation of the defense in this cause;

3. The Government will produce the firearm the Defendant is charged with possessing ("a .32 caliber revolver") to Dan Starks of Starks Training Institute, Inc. for examination and testing. When the examination and testing are complete, Mr. Starks shall return the firearm in the same condition he received it to the individual designated by the Assistant U.S. Attorney handling this case.

4. Dan Starks shall be compensated at his usual hourly rate up to a maximum fee of \$1,600 for his services in this case.

5. The Clerk is directed to prepare for the Court's signature a Form CJA 21 appointing Dan Starks and to mail the form to defense counsel for his signature and for delivery to Mr. Starks.

6. The Clerk is further directed to send copies of this Order to defense counsel; the U.S. Attorney's Office; and the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: July 28, 2005

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

